



0000090322

ORIGINAL

BEFORE THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE
APPLICATION OF ARIZONA PUBLIC
SERVICE COMPANY, IN
CONFORMANCE WITH THE
REQUIREMENT OF ARIZONA REVISED
STATUTES §§ 40-360, *et seq.*, FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING THE
TS-5 TO TS-9 500/230kV
TRANSMISSION LINE PROJECT,
WHICH ORIGINATES AT THE FUTURE
TS-5 SUBSTATION, LOCATED IN THE
WEST HALF OF SECTION 29,
TOWNSHIP 4 NORTH, RANGE 4 WEST
AND TERMINATES AT THE FUTURE
TS-9 SUBSTATION, LOCATED IN
SECTION 33, TOWNSHIP 6 NORTH,
RANGE 1 EAST, IN MARICIPA
COUNTY, ARIZONA

DOCKET NO. L-00000D-08-0330-00138

CASE NO. 138

NOTICE OF FILING SUMMARY OF
WITNESS TESTIMONY

RECEIVED
2008 NOV 12 P 1:19
AZ CP&E DIVISION
DOCKET CONTROL

INTERVENORS DLGC II, LLC ("DLGC") and Lake Pleasant Group, LLP
("LPG") hereby file the Summary of Witness Testimony of Charles Civer as set forth in
the attached Exhibit A. Mr. Civer's power point presentation to accompany his testimony
is attached as Exhibit B.

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///

Arizona Commission on Commission

DOCKETED

NOV 13 2008



1 Dated this 12 day of November, 2008.

2 RIDENOUR, HIENTON, KELHOFFER

3 & LEWIS, P.L.L.C.

4 By 

5 Scott S. Wakefield

6 201 North Central Avenue, Suite 3300

7 Phoenix, Arizona 85004-1052

8 Attorneys for DLGC II, LLC and

9 Lake Pleasant Group, LLP

10 sswakefield@rhhklaw.com

11 Pursuant to A.A.C. R14-3-204,
12 the Original and 25 copies were filed on
November 12, 2008, with:

13 Docket Control
14 Arizona Corporation Commission
15 1200 W. Washington Street
Phoenix, AZ 85007

16 Copy of the above delivered this
17 12 day of November, 2008, to:

18 Charles Hains
19 Janice Alward, Chief Counsel
20 Arizona Corporation Commission
21 1200 W. Washington Street
Phoenix, AZ 85007
22 Counsel for Legal Division Staff

1 Copy of the above e-mailed/mailed this
2 day of November, 2008, to:

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7 swene@lawms.com

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21 Chad R. Kaffer, Esq.
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Counsel for Intervenor LP 107, LLC
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3 Town of Buckeye
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6 Intervenor Town of Buckeye
7 jpguy@buckeyeaz.gov

8 Copy of the above mailed
9 this 12 day of November, 2008, to:

10 Mike Biesemeyer
11 3076 E. Blue Ridge Place
12 Chandler, AZ 85249

13 Art Othon
14 City of Peoria
15 Office of the City Attorney
16 8401 W. Monroe Street
17 Peoria, AZ 85345

18 Debe Polch

19
20
21
22
23 297617;ssw;22711-0001
24
25
26

EXHIBIT A

WITNESS SUMMARY

**Charles Civer
for
DLGC II, LLC and Lake Pleasant Group, LLP**

Charles Civer is the Managing Developer for the Estates at Lakeside developments located adjacent to Lake Pleasant Regional Park on the north side of State Route 74. Mr. Civer will testify about the ownership and history of the development, including its entitlements. Mr. Civer will testify about the location of the development in relation to APS' proposed routings for the TS-5 to TS-9 transmission line, and in relation to other nearby existing and planned developments. Mr. Civer will testify about the environmental resources near the Estates at Lakeside development, including the Morgan City Wash riparian area, Lake Pleasant Regional Park and bald eagle nesting and feeding areas. Mr. Civer will present visual simulations of the project from the Estates at Lakeside development. Mr. Civer will testify why siting the project along the preferred route of Segment 5 is superior to siting along Alternative Route 3. Mr. Civer will discuss the Alternative 3 North proposal made by other parties and the topography of property near the Estates at Lakeside development. Mr. Civer will testify about possible screening opportunities that could lessen the impact of the Alternative 3 North proposal, including a extending the southern boundary of the corridor by 500 feet for a short length of the Alternative 3 North proposal in the area near the Estates at Lakeside. Mr. Civer will testify about the ownership of property impacted by the additional 500 fee corridor, and why the Committee could consider the additional 500 feet to be an insubstantial modification to the route that was included in APS' notice of this proceeding.

EXHIBIT B

DIGG II-LAKE PLEASANT GROUP

APS LINE SITING #138

CHARLES CIVER, MANAGING DEVELOPER

2390 E CAMELBACK ROAD SUITE 310

PHOENIX, ARIZONA 85016

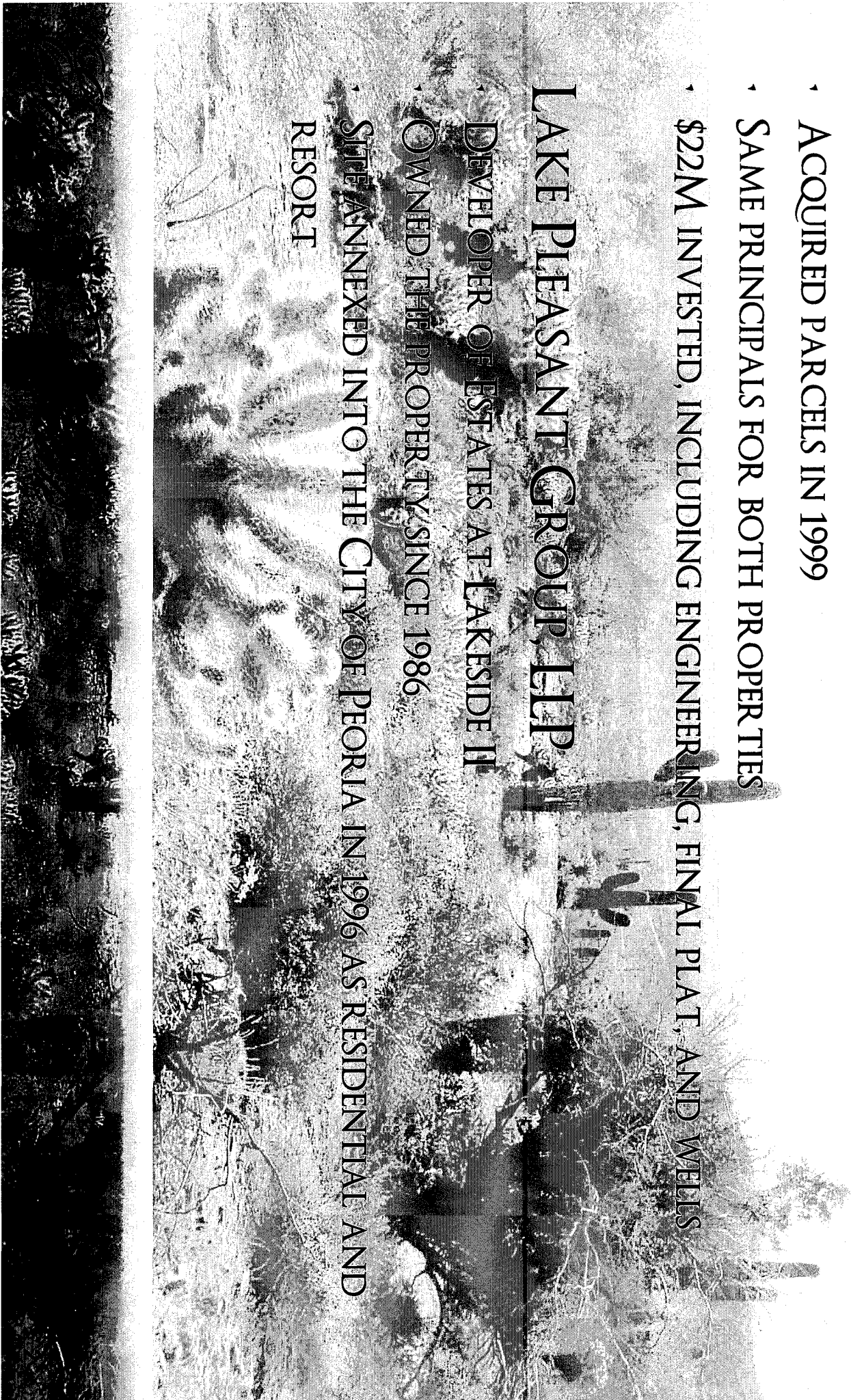


DIGC II, LLC

- DEVELOPER OF ESTATES AT LAKESIDE I
- ACQUIRED PARCELS IN 1999
- SAME PRINCIPALS FOR BOTH PROPERTIES
- \$22M INVESTED, INCLUDING ENGINEERING, FINAL PLAT, AND WELLS

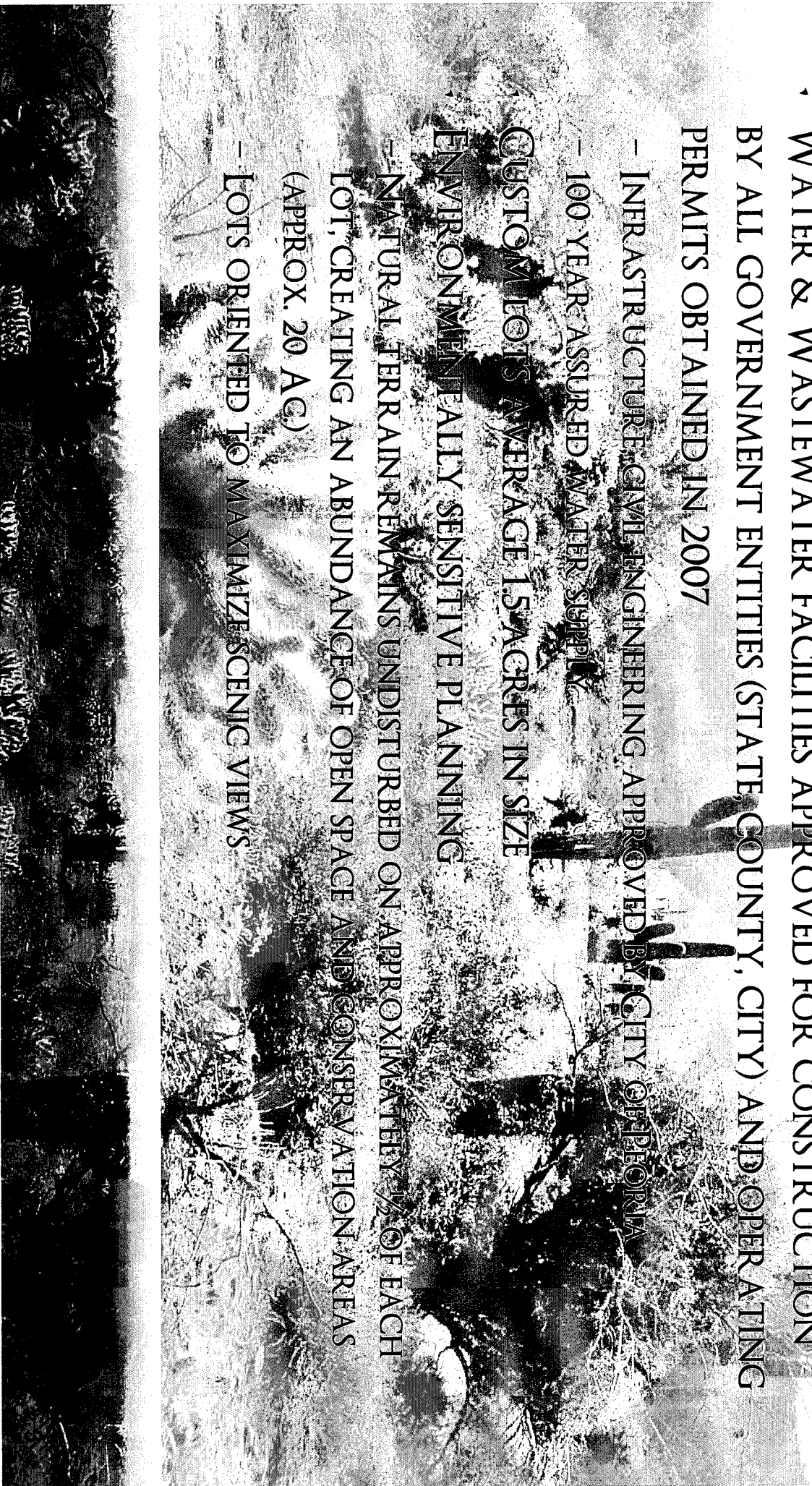
LAKE PLEASANT GROUP, LLP

- DEVELOPER OF ESTATES AT LAKESIDE II
- OWNED THE PROPERTY SINCE 1986
- SITE ANNEXED INTO THE CITY OF PEORIA IN 1996 AS RESIDENTIAL AND RESORT

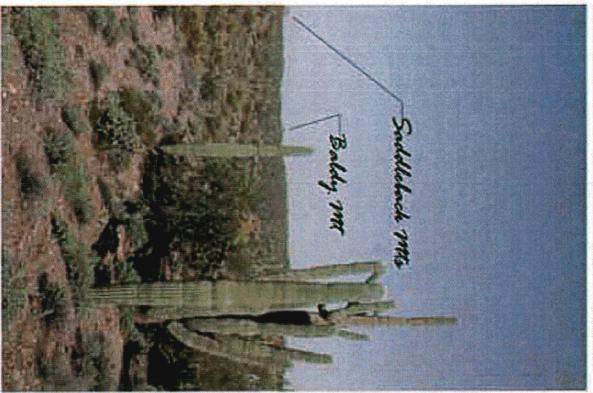


ESTATES AT LAKESIDE I

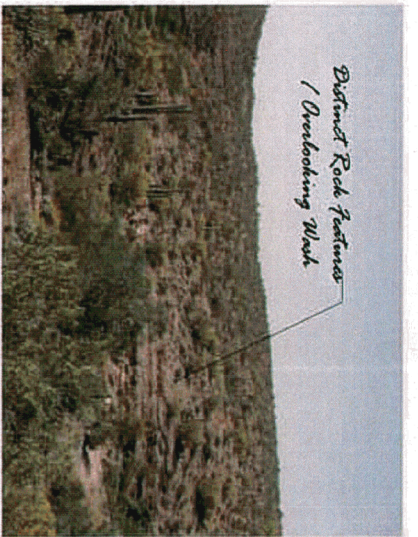
- FINAL PLAT APPROVED BY CITY OF PEORIA AUGUST 2007
- PRELIMINARY PLAT APPROVED BY CITY OF PEORIA IN SEPTEMBER 2002.
- WATER & WASTEWATER FACILITIES APPROVED FOR CONSTRUCTION BY ALL GOVERNMENT ENTITIES (STATE, COUNTY, CITY) AND OPERATING PERMITS OBTAINED IN 2007
 - INFRASTRUCTURE, CIVIL ENGINEERING APPROVED BY CITY OF PEORIA
 - 100 YEAR ASSURED WATER SUPPLY
- CUSTOM LOTS AVERAGE 15 ACRES IN SIZE
- ENVIRONMENTALLY SENSITIVE PLANNING
 - NATURAL TERRAIN REMAINS UNDISTURBED ON APPROXIMATELY 1/2 OF EACH LOT, CREATING AN ABUNDANCE OF OPEN SPACE AND CONSERVATION AREAS (APPROX. 20 AC)
 - LOTS ORIENTED TO MAXIMIZE SCENIC VIEWS



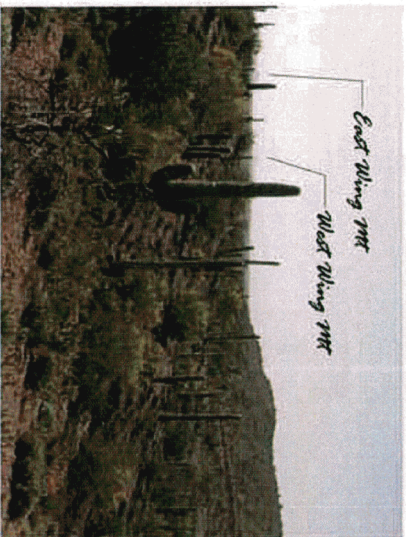
North West View



Distinct Rock Features / Overlooking Wash



South View



South East View



South West View

Homeite #7

Views



The Estates at Lakeside
Phase 1-A

Homeite #7

Lot Size: 1.12 ac
Building Envelope: * 15,138 sq ft.

* Building envelopes are conceptual and subject to change at anytime

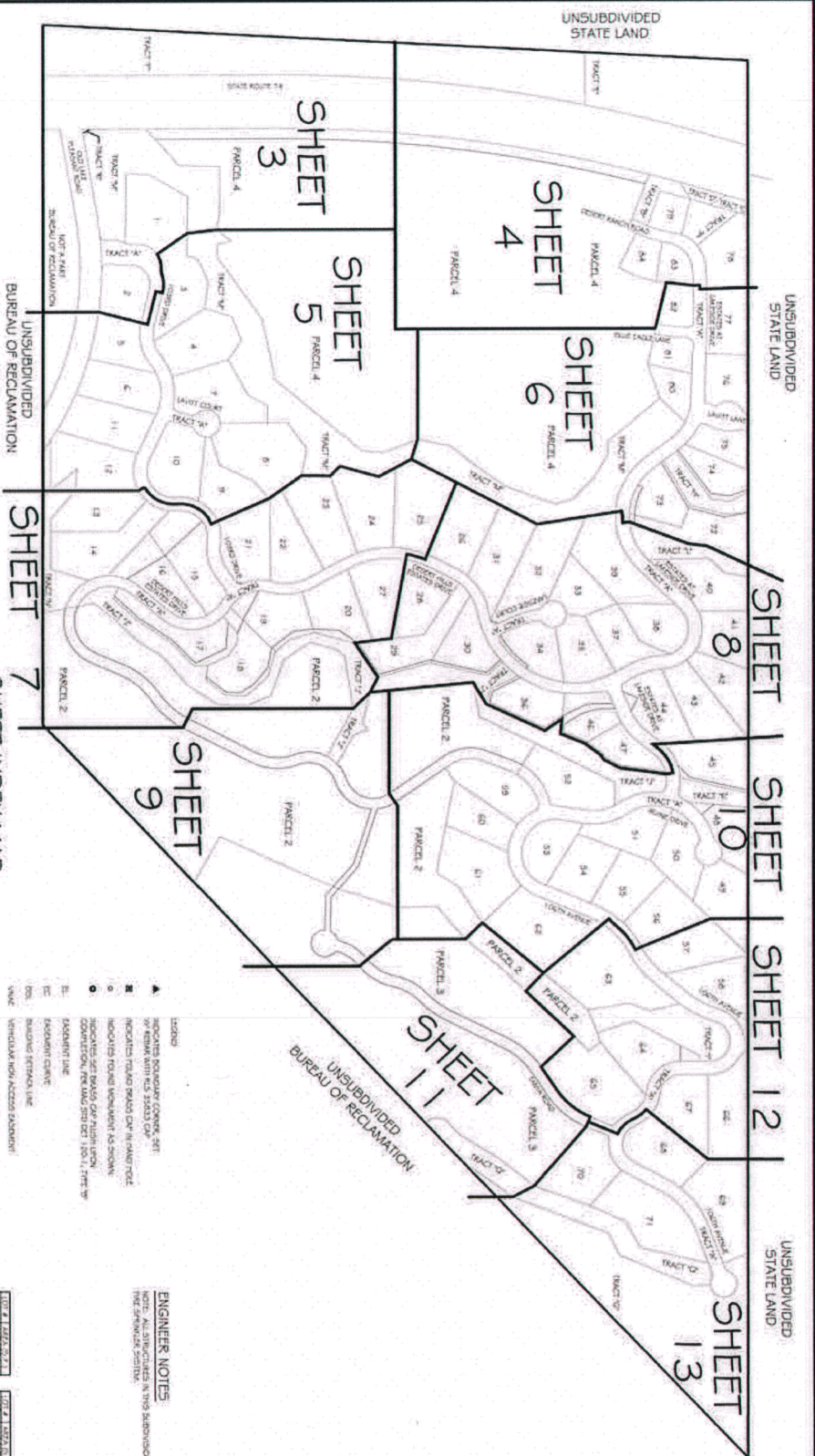


Legend:

- Lot Lines
- Lot Numbers
- Building Envelope
- Preserved Vegetation
- Existing Topography
- Graded Topography

North

Estates at Lakeside

[illegible][illegible][illegible]

ENGINEER NOTES

North

SCALE: 1" = 200'

A horizontal scale bar with alternating black and white segments. It is marked with '0', '200', '400', and '600' at regular intervals.UNSUBSIDIZED
REPEAL OF REGULATION

AUTOMATED CIVIL SERVICES
Civil Engineering, Planning, & Computer Programming
3337 East Shea Boulevard
Scottsdale, Arizona 85254
Office 480-659-2915
Fax 480-659-8078

**ESTATES AT LAKESIDE
PHASE 1
FINAL PLAT**

DATE

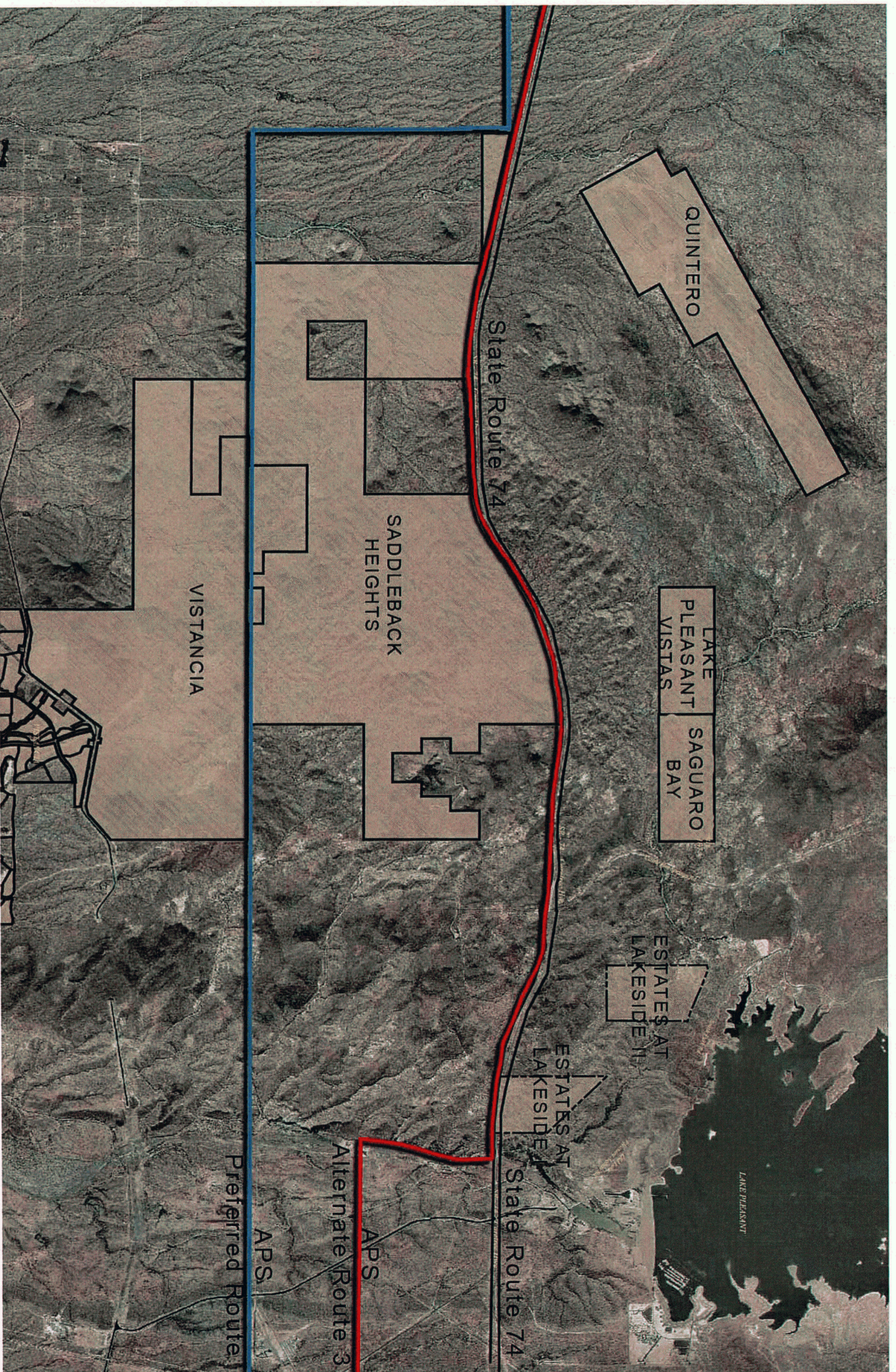
NO.

Date: 09-25-05
Project: 03-001
Rev: 001-1602
Scale: 1"=200'

SHEET

2 OF 13

PLAN REVIEW # R040109

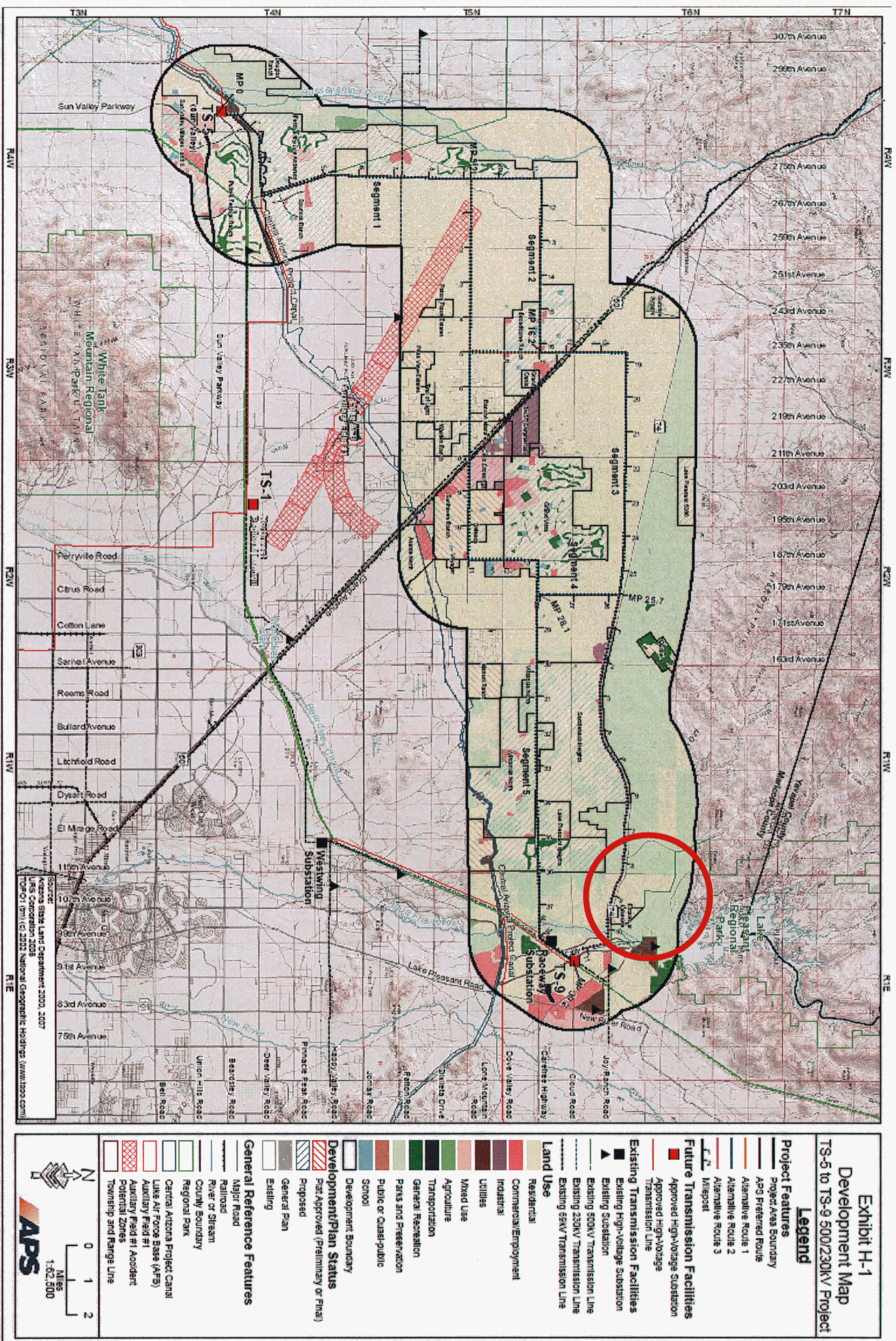


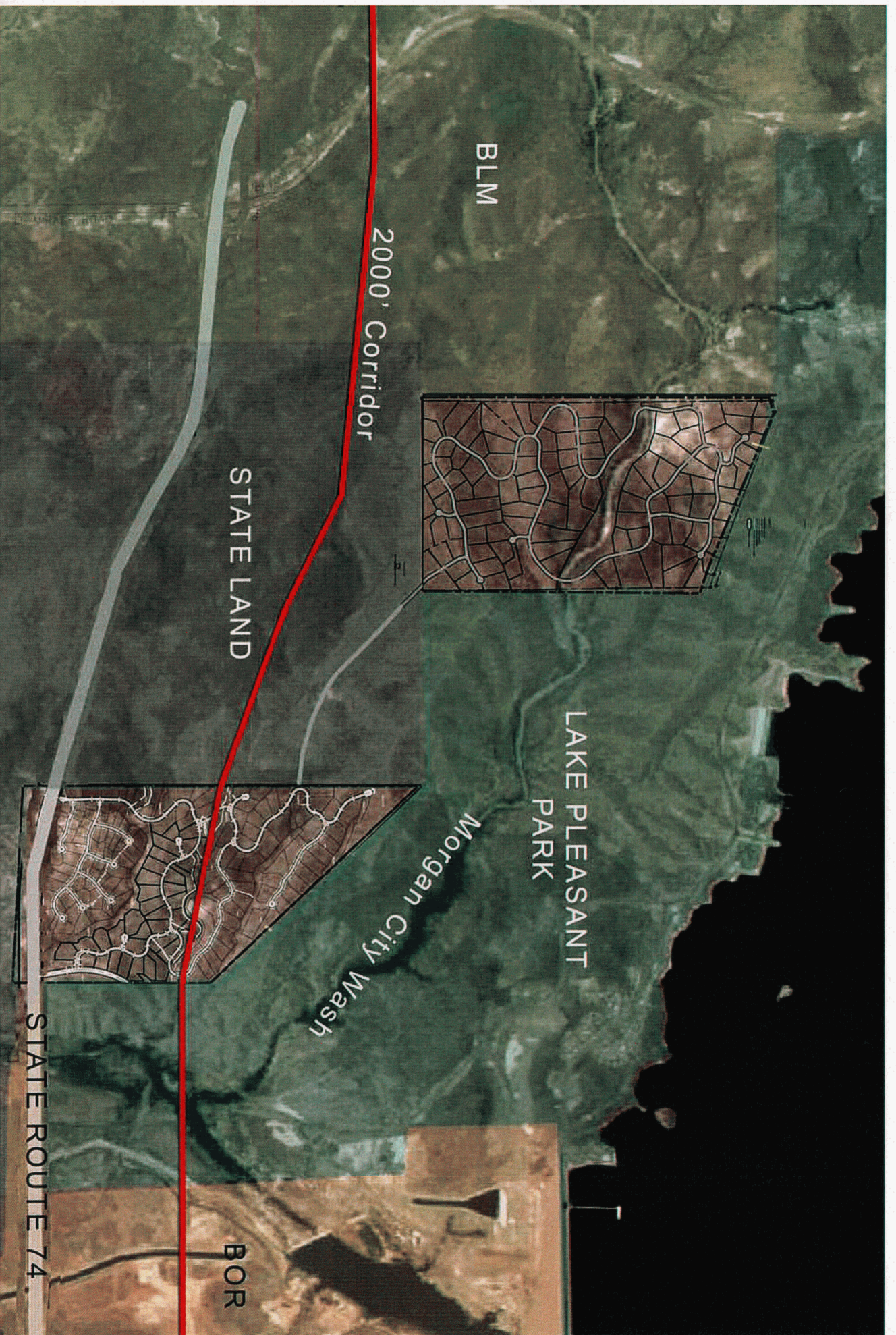
Estates at Lakeside

CONTEXT MAP AND POTENTIAL
APS CORRIDORS

Estates at Lakeside

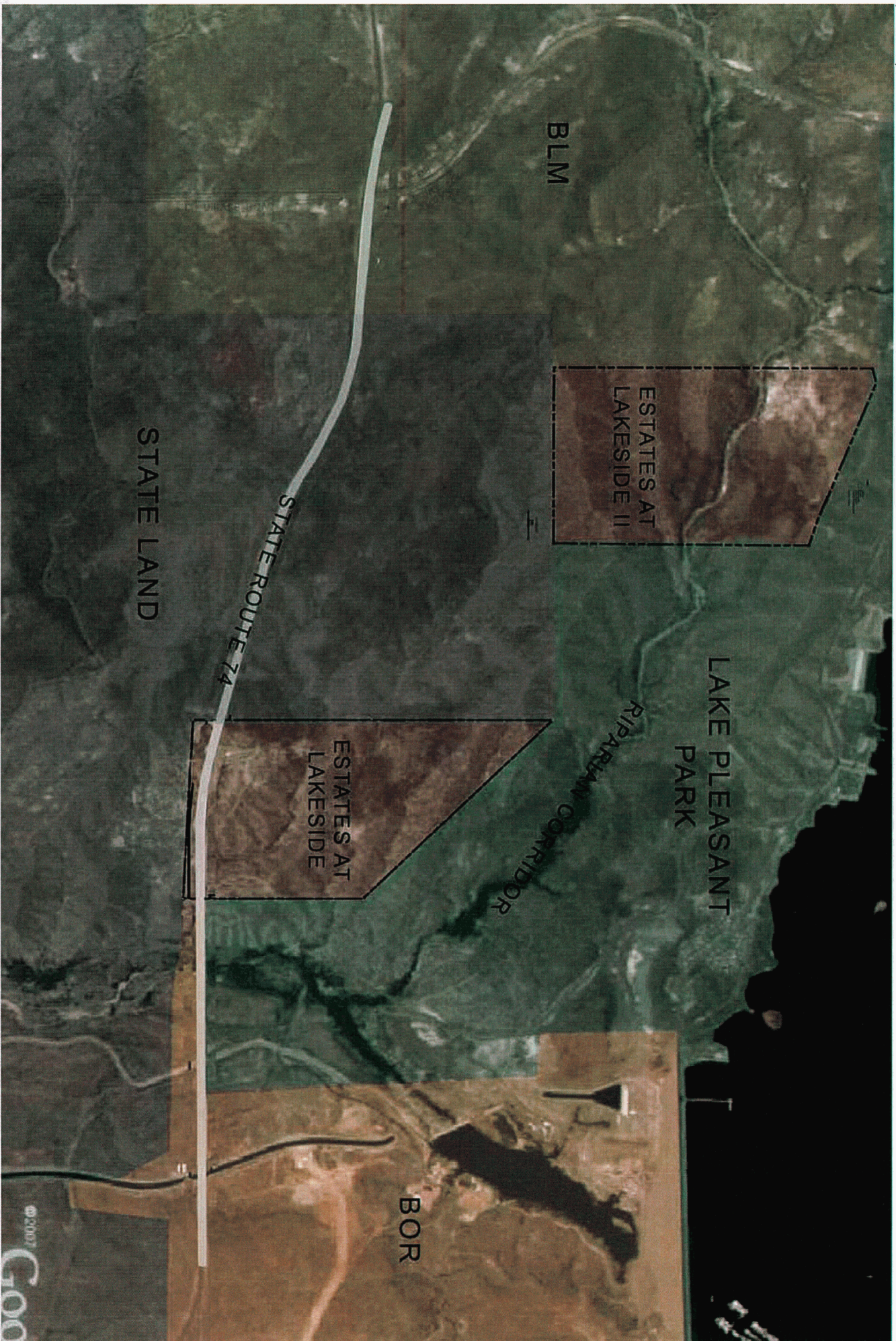
SR74 AND SURROUNDING OWNERSHIP





Estates at Lakeside

2000' CORRIDOR NORTH OF SR74 8



Estates at Lakeside

LAKE PLEASANT PARK/MORGAN CITY WASH

AGUA FRIA RIVER RIPARIAN AREA 9



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

5000 W. CAREFREE HIGHWAY
PHOENIX, AZ 85086-5000
(602) 942-3000 • WWW.AZGFD.GOV

GOVERNOR
JANET NOLAN
COMMISSIONERS
CLARENCE WILLIAM H. MCLEAM, GORD CANOCHI
BOB HENNINGER, JACSON
JENNIFER L. MARTIN, PHOENIX
ROBERT R. WOODHOUSE, ROLL
NORMAN W. FREEMAN, CHINO VALLEY
DIRECTOR
LARRY D. VOYLES
DEPUTY DIRECTOR
VACANT
CHIEF OF STAFF
GARY R. HOWARTER



August 11, 2008

Mr. Robert DeBaca
URS Corporation
7720 N. 16th St.
Suite 100
Phoenix, AZ 85020

Re: CEC for APS TS-5 to TS-9 500/230kV Transmission Line Project.

Dear Mr. DeBaca:

The Arizona Game and Fish Department (Department) has reviewed the Certificate of Environmental Compatibility (CEC) for the APS TS-5 to TS-9 500/230kV Transmission project. The Department understands the proposed project activities would involve the installation of two transmission lines, 500kV and 230 kV, on single-pole structures. The Department has the following comments.

The TS-5 to TS-9 transmission project occurs within an important wildlife movement corridor between the White Tank Mountains and the Hieroglyph Mountains. The local and/or regional needs of wildlife in regards to movement, habitat connectivity, access to habitat requirements, and the needs of wildlife to move through or around your project need to be considered. Loss of connectivity deprives animals of resources, reduces gene flow, and ultimately prevents animals from colonizing areas where extirpations have occurred, and ultimately prevents animals from contributing to ecosystem functions such as pollination, seed dispersal, control of prey numbers, and resistance to invasive species. In many cases, streams and washes, such as the Hassayampa River, provide natural movement corridors for wildlife and should be maintained in their natural state. Uplands also support a large diversity of species, and should be contained within important wildlife movement corridors. In addition, maintaining biodiversity and ecosystem functions can be facilitated through improving designs of fences, roadways, culverts, and other structures to promote passage for a variety of wildlife.

Therefore, the Department encourages the selection of the southern most alignment of the project, Alternate Route 2. The area along the southern route has been slated for development and will consequently result in degraded wildlife habitat. In addition, the southern route encompasses less area than the Preferred Route resulting in the least direct impact to wildlife habitat including areas along the Hassayampa River. The Department strongly opposes the use of Alternate Route 3 and the northern portions of the Preferred Route. The northern routes contain high quality Arizona upland habitat. This area is higher in elevation with hills and canyons containing well developed Arizona upland vegetation which supports wildlife such as

Mr. Robert DeBaca
August 11, 2008
2

mule deer, javelina, desert tortoises, and mountain lions. Any alignment along State Route 74 would create a larger barrier to wildlife and degradation of quality habitat within the associated right-of-way (ROW). Additionally, there is significant riparian habitat associated with Morgan City Wash, north of State Route 74, which the Department is actively managing for native fish restoration.

The Department appreciates the opportunity to provide comments and an evaluation of impacts to wildlife and their habitats associated with this project. If you have any questions regarding this letter, please contact Ginger Ritter at (623) 236-7606.

Sincerely,

Josh T. Avey
Habitat Branch Chief

JTA:gr

cc: Laura Camaca, Project Evaluation Program Supervisor
Russ Haughey, Habitat Program Manager, Region VI
AGFD #M08-08012654

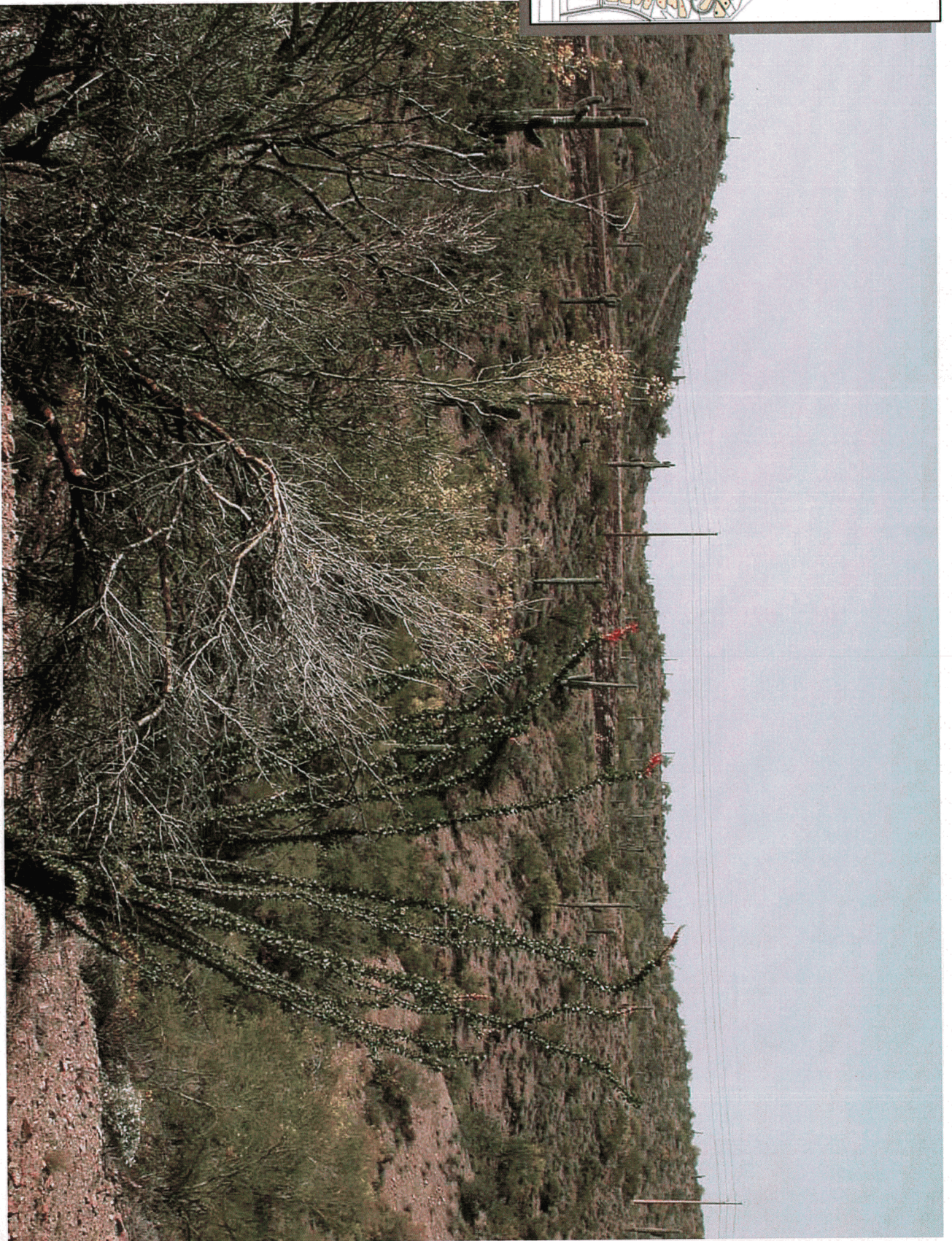
Estates at Lakeside

LETTER FROM ARIZONA GAME AND
FISH DEPARTMENT

Estates at Lakeside

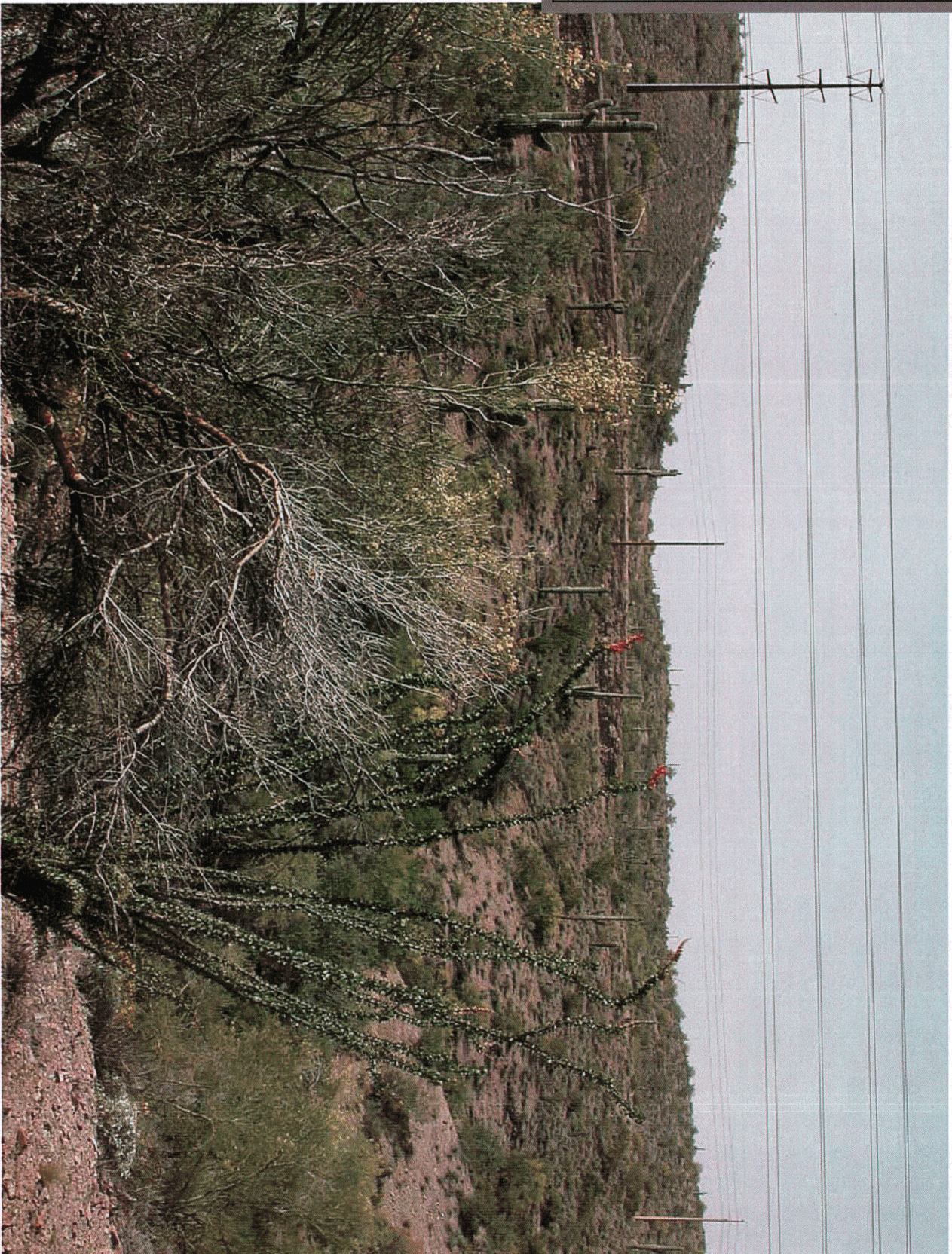
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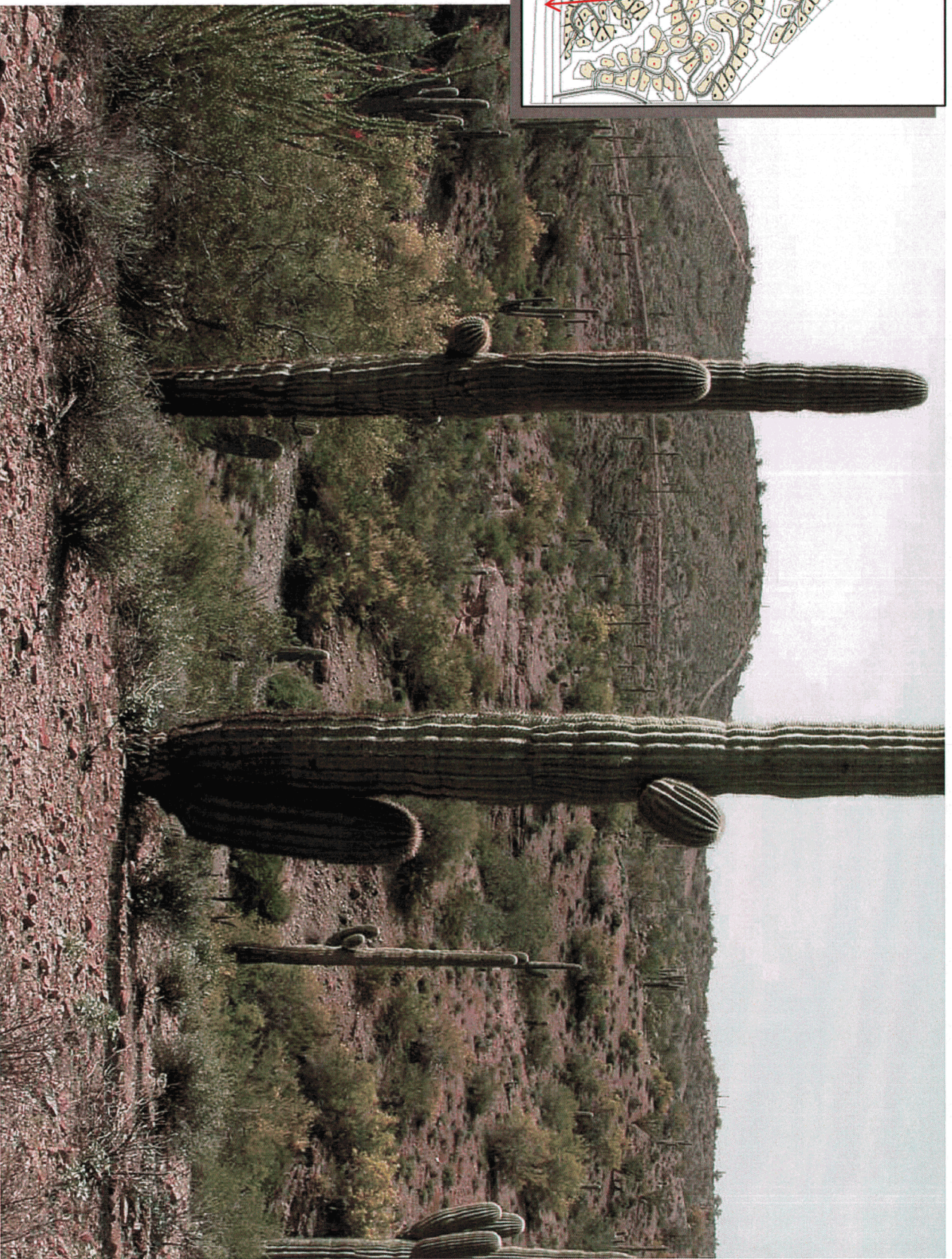
Estates at Lakeside

SITE VIEW FROM LOT 3 LOOKING SOUTH 12



Estates at Lakeside

SITE VIEW FROM LOT 3 LOOKING SOUTH - APS
 PROPOSED LINES IN 500' CORRIDOR ON S. SIDE OF SR74 13



Estates at Lakeside

SITE VIEW FROM LOT 25 LOOKING SOUTHWEST



Estates at Lakeside

SITE VIEW FROM LOT 25 LOOKING SOUTHWEST - APS
PROPOSED LINES IN 500' CORRIDOR ON S. SIDE OF SR74 15

WHY SEGMENT 5 IS THE PREFERRED ROUTE

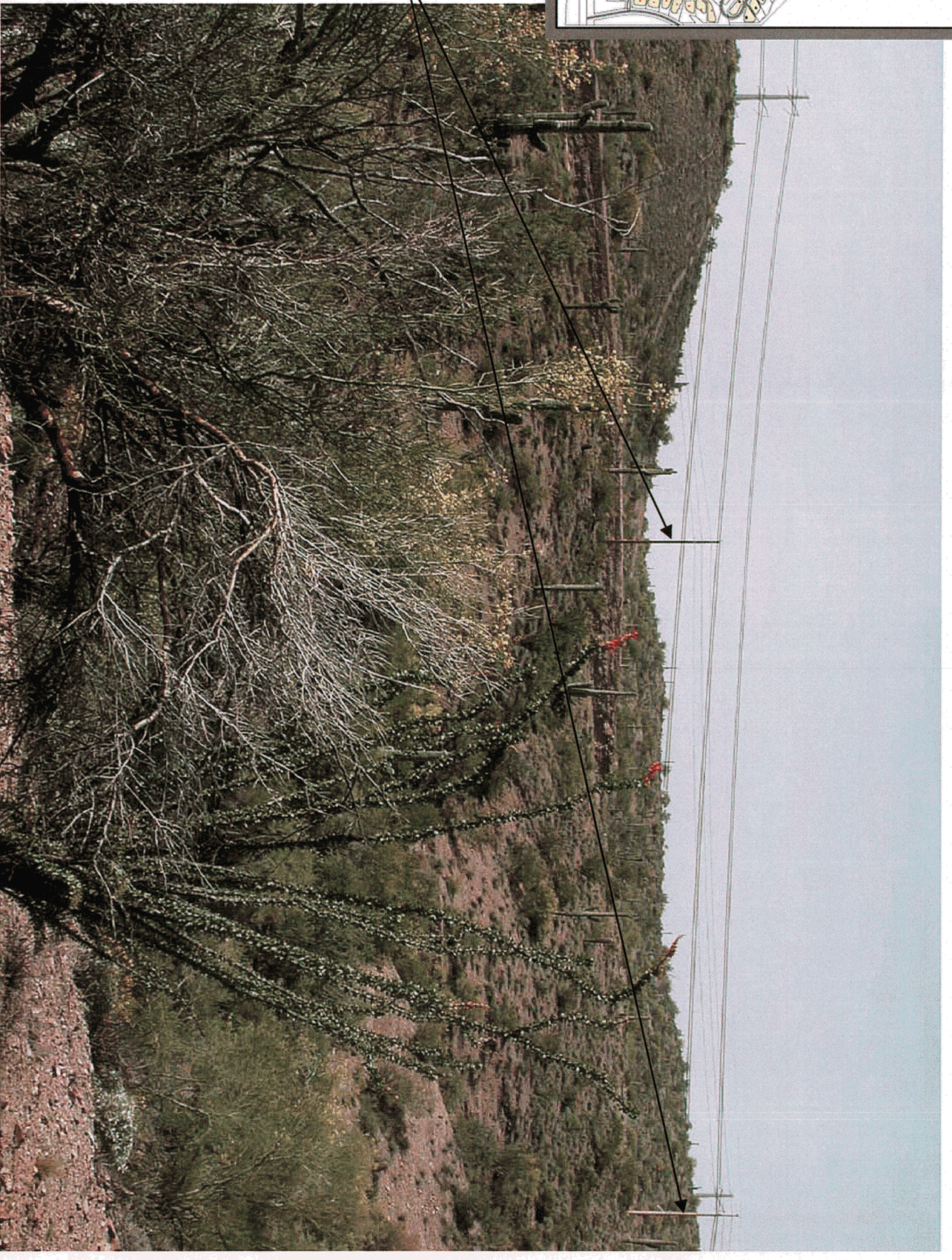
- LESS ENVIRONMENTAL IMPACT
 - DOES NOT ENCROACH ON ANY RIPARIAN AREAS
 - DOES NOT INTERFERE WITH EAGLE FEEDING GROUNDS
 - AZ GAME AND FISH OPPOSES THE ALTERNATIVE 3 CORRIDOR ALONG SR74
 - AZ STATE LAND PREVIOUSLY OPPOSED THE ALTERNATIVE 3 CORRIDOR
 - MARICOPA COUNTY REPRESENTATIVES OPPOSE THE ALTERNATIVE 3 CORRIDOR
- LESS LAND USE IMPACT
 - NOT THROUGH OR ADJACENT TO ANY FINAL PLATTED DEVELOPMENT
 - 1.5 MILES FROM EXISTING VISTANCIA RESIDENTS

Estates at Lakeside



Existing

69kV Poles



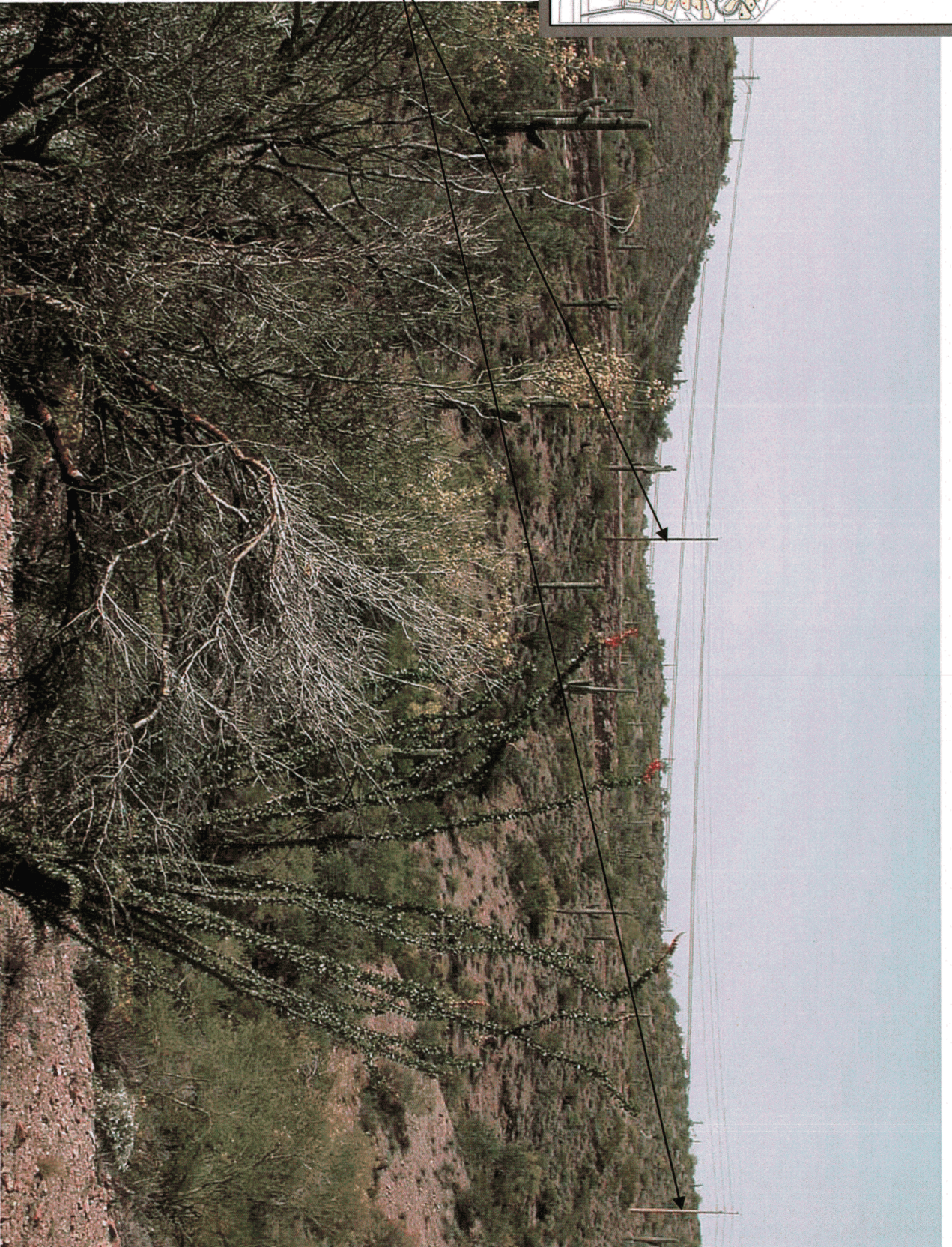
Estates at Lakeside

SITE VIEW FROM LOT 3 LOOKING SOUTH-
LINE LOCATION 1500' SOUTH OF SR74 17



Existing

69kV Poles



Estates at Lakeside

SITE VIEW FROM LOT 3 LOOKING SOUTH-
LINE LOCATION 2000' SOUTH OF SR74 18